GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PS – PR&RD Department – Allegation of claiming of salary irregularly for the absence period while on deputation at the O/o. the MPDO, Dagadarthi, SPSR Nellore District in respect of **Sri P. Kamal Suresh Babu, Junior Assistant**, O/o. the EE, PR, Kavali, SPSR Nellore District - Common disciplinary proceedings and charges framed – Charge held proved in Inquiry report dt:29.10.2021 of Member, C.O.I & Inquiry Authority - Representation received – Imposition of a major penalty of **Removal from Service** against Sri P. Kamal Suresh Babu, Junior Assistant, O/o the EE, PR, Kavali, SPSR Nellore District and presently working as Junior Assistant, Z.P. High School, Chembedu, SPSR Nellore District under Rule 9 (ix) of A.P.C.S (CC&A) Rules, 1991 – Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG-II) DEPARTMENT

G.O.Rt.No.270 **Dated:26.03.2024**

Read the following:

1. From the DG, ACB, Letter C.No. 5/RE-NNL/2011, dated: 1.6.2016.
2. G.O.Rt.No.785, PR&RD (Vig. II) Department, Dated: 30.11.2017.
3. G.O.Rt.No.786, PR&RD (Vig. II) Department, Dated: 30.11.2017.
4. From Sri P. Kamal Suresh Babu, Junior Assistant, O/o the EE, PR, Kavali, SPSR Nellore District, written statement of defence dt:04.06.2020.
5. G.O.Rt.No.27, PR&RD (Vig. II) Department, Dated: 22.01.2021.
6. From Sri K. Venkata Ramireddy, Member, Commissionerate of Inquiries, GAD and Inquiry Authority, D.O.Letter.No.02/COI-KVR/2021, Dated 29.10.2021.
7. Govt. Memo.No.8245/Vig.II/2016-15, Dated: 09.02.2022.
8. From Sri P. Kamal Suresh Babu, former Junior Assistant, O/o the EE, PR, Kavali and presently working as Junior Assistant, Z.P. High School, Chembedu, SPSR Nellore District, representation dt:18.04.2022.
9. Govt. Letter No. 8245/Vig. II/2016-26, PR&RD (Vig. II) Dept, Dt: 28.11.2023.
10. From the Secretary, A.P. Public Service Commission, AP, Vijayawada, Letter No. GAD03-APPSoDCC /126 /2023-DC.SEC-APPSC (Computer No. 2306006), dated: 12.03.2024.

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ORDER :

In the reference 1st read above, the Director General, Anti- Corruption Bureau, has furnished a regular enquiry based **on a source report** on the allegation of claim of salary irregularity for the absence period while on deputation at the O/o. the MPDO, Dagadarthi, SPSR Nellore District in respect of **Sri P. Kamal Suresh Babu, Junior Assistant**, O/o. the Executive Engineer, Panchayat Raj, Kavali, SPSR Nellore District and

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furnished a regular enquiry report. He has informed that the Accused Officer.-1 Sri P. Kamal Suresh Babu, was appointed as Junior Assistant at O/o. MPDO, Ananthasagaram Mandal on 17.05.1995 on compassionate grounds. He worked there upto 19.11.1999 and from 20.11.1999 to 31.07.2007, he had worked at O/o. the MPDO, Dagadarthi. Then he had been transferred to O/o. Executive Engineer, Panchayat Raj, Kavali and reported **on 01.08.2007** and worked upto **16.08.2007**. **Subsequently**, the Chief Executive Engineer, Zilla Praja Parishad, Nellore issued deputation orders vide Procs. Rc. No.A2/5581/06, dt:10.08.2007 for deputation of Sri Kamal Suresh Babu, Junior Assistant, O/o. the EE, PR Division, Kavali to the O/o. the MPDO, Dagadarthi Mandal, with a direction therein to the Executive Engineer, PR, Kavali, to relieve the individual from PR Division, Kavali and to claim salary upon receipt of duty certificate from the O/o. the MPDO, Dagadarthi Mandal. Accordingly, the individual was relieved from the O/o. the EE, PR, Kavali on 16.08.2007 itself to O/o. the MPDO, Dagadarthi Mandal on deputation basis. He has informed that as per the Audit report dt:26.2.2013 of State Audit, Nellore that the Accused Officer, Sri Kamal Suresh Babu, Junior Assistant, was absent for duty for a period of (613) days as follows :

Period	Absent	Remarks
01.04.2007 to 06.04.2007	6 days	He worked as regular Junior Assistant, O/o. MPDO, Dagadarthi
01.06.2007 and 02.06.2007	2 days	do
25.06.2007 and 26.06.2007	2 days	do
29.06.2007 and 30.06.2007	2 days	do
01.07.2007 to 05.07.2007	5 days	do
25.07.2007 to 30.07.2007	6 days	do
Sub-total	23 days	
16.08.2007 to 31.01.2011	590 days	On deputation as Junior Assistant in the O/o. MPDO, Dagadarthi from the O/o. the EE, PR, Kavali
Total absent period	**613 days**	

2. The Director General, Anti-Corruption Bureau has informed that the Auditors have given report that the Accused Officer-1 was absent for a period of (613) days and received salaries for the above period to a tune of Rs.3,18,000/- irregularly. He has informed that the Delinquent Officer absconded from duties for the above period in regular intervals and claimed his entire salaries, arrears and PRC arrears etc., as if he was attended duties. He has also informed that the Accused Officer-1 has re-paid an amount of Rs.2,80,087/- to the Government Exchequer as against Rs.3,18,000/- which was received irregularly and hence, remaining balance amount may be recovered from him. Accordingly, the Director General, Anti-Corruption Bureau, has recommended to initiate disciplinary action against Sri P.Kamal Suresh Babu, Junior Assistant and eight (8) other responsible personnel for claiming salary for the absent period of Accused Officer-1 Sri P. Kamal Suresh Babu, Junior Assistant in the matter, among others.

Contd. at Page.3,

3. Accordingly, Government vide reference 2nd read above, have initiated common disciplinary proceedings under Rule 24 of APCS (CC&A) Rules, 1991, duly framing following article of charge under Rule 20 of said Rules vide reference 3rd read above against Sri P. Kamal Suresh Babu, Junior Assistant, O/o. the EE, PR, Kavali, SPSR Nellore District, with a direction to submit his written statement of defence, among others :

Charge:

That Sri P. Kamal Suresh Babu, while working as Junior Assistant, O/o. the EE, PR, Kavali, remained absent for duty for 613 days unauthorisedly during period from April, 2007 to January, 2011 and also received salaries for the entire period of 613 days to a tune of Rs.3,18,000, irregularity from the Department.

Thus Sri P. Kamal Suresh Babu, the then Junior Assistant, O/o. the Executive Engineer, PR Division, Kavali, SPSR Nellore District by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government servant and thereby contravened Rule 3 (1)(2) of A.P. Civil Services (Conduct) Rules, 1964.

4. In the reference 4th read above, the Charged Officer **Sri P. Kamal Suresh Babu, Junior Assistant**, O/o. the EE, PR, Kavali, SPSR Nellore District, has submitted his written statement of defence dt: 04.06.2020.

5. Government have not satisfied with the Written Statement Defence submitted by Charged Officer and decided to conduct a regular enquiry into the matter against the charged officer Sri P. Kamal Suresh Babu, Junior Assistant, O/o the EE, PR, Kavali, SPSR Nellore District including against eight (8) other co-charged officers involved in the case. Accordingly, in the reference 5th read above, Government have entrusted the case to Commissionerate of Inquiries and appointed Sri K. Venkata Ramireddy, Member, C.O.I, G.A. Department as the Inquiring Authority under Rule 20 (2) of A.P.C.S (CC&A) Rules, 1991 to conduct enquiry into the charges framed against all the nine (9) Charged Officers into the matter.

6. In the reference 6th read above, the Member, Commissionerate of Inquiries & Inquiring Authority has submitted inquiry report dt:29.10.2021, wherein the Inquiry Officer has held that charge framed against the charged officer Sri **P. Kamal Suresh Babu, Junior Assistant**, O/o the EE, PR, Kavali, SPSR Nellore District, **is proved**, among others.

7. In the reference 7th read above, Government, among others, have communicated a copy of the inquiry report to the Charged Officer **Sri P. Kamal Suresh Babu, Junior Assistant**, O/o the EE, PR, Kavali, SPSR Nellore District, as per Rule 21 (2) of A.P.C.S (CC&A) Rules, 1991 for his representation, if any, on the findings of the Inquiry Authority. The same has been communicated to the O/o. the Commissioner, PR&RD, AP, Tadepalli, with a request to serve on the Charged Officer and furnish acknowledgment copy of the charged officer to the Government.

8. In the reference 8th read above, the charged officer-1 **Sri P. Kamal Suresh Babu, former Junior Assistant**, O/o the EE, PR, Kavali, SPSR Nellore District and presently working as Junior Assistant, Z.P. High School, Chembedu, SPSR Nellore District, has submitted his representation dt:18.04.2022. He has stated that among other things that during the

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inquiry by the evidences of PW1 to 10, no mollified intention of the Charged Officer was proved before the Hon'ble Commission. Due to mental distress and mental agony, he was unable to pursue his leave application. After knowing the fact, he has credited the entire amount of Rs.3,18,000/- to the Government Account. By careful perusal of the evidence adduced by PW1 to 10 during the inquiry, there was no clinching evidence against him. Even then, the Inquiry Officer came to an erroneous conclusion that the submission of the Charged Officer-1 can't stand in the eye of Law or Rules. Hence, he has disagreed with the findings of the Inquiry Authority and requested to exonerate the charge.

9. Government have examined the matter with reference to material made available and observe in the entire case that the Director General, Anti-Corruption Bureau in his regular inquiry report dt:01.06.2016 has also recommended to initiate disciplinary proceedings against concerned personnel in the O/o. the MPDO, for their failure to take action against the charged officer-1 Sri P. Kamal Suresh Babu, Junior Assistant and they never reported either to the Chief Execute Officer, Zilla Praja Parishad, Nellore or EE, PR, Kavali about his absence for about (613) days and allowed the Charged Officer-1 to draw the salaries from his parent unit ie., from the O/o. the EE, PR, Kavali **and also** against the concerned staff of the EE, PR, Kavali, who never obtained monthly duty certificate for the said Junior Assistant from the O/o. the MPDO, Dagadarthi Mandal and paid the entire salaries to the said Junior Assistant for his absconding period of (613) days through salary account of State Bank of India, Kavali. As such, Government, after following due procedure, have issued final orders imposing following punishments / penalties against them:

Sl. No.	Name of C.O & Designation	Punishment Imposed
1	CO-2 Sri S. Raghunath, MPDO, Dagadarthi Mandal	Withholding of two (02) Annual Grade Increments with cumulative effect vide G.O.Rt.No.482, PR&RD (Vig.II) Department, Dt:10.08.2023.
2	CO-3 Sri V. Naga Raju, EO and MPDO (FAC), Dagadarthi Mandal	Withholding of two (02) Annual Grade Increments with cumulative effect vide G.O.Rt.No.483, PR&RD (Vig.II) Department, Dt:10.08.2023.
3	CO-4 K. Venkateswara Rao, MPDO, Dagadarthi Mandal	Withholding of two (02) Annual Grade Increments with cumulative effect vide G.O.Rt.No.484, PR&RD (Vig.II) Department, Dt:10.08.2023.
4	CO-6 Sri K. Srinivasa Rao, DAO, O/o. EE, PR, Kavali	Withholding of two (02) Annual Grade Increments with cumulative effect vide G.O.Rt.No.485, PR&RD (Vig.II) Department, Dt:10.08.2023.
5	CO-7 Smt. Ch.V. Sathyavathi, DAO, O/o. EE, PR, Kavali	Withholding of two (02) Annual Grade Increments with cumulative effect vide G.O.Rt.No.486, PR&RD (Vig.II) Department, Dt:10.08.2023
6	CO-8 Sri N. Venkateswara Rao,	10% cut in pension for a period of five (5) years vide G.O.Rt.No.487, PR&RD (Vig.II)

	Superindent. O/o. EE, PR, Kavali (now Retired)	Department, Dt:10.08.2023
7	CO-9 Sri K.V. Srinivasa Rao, Senior Assistant, O/o. the EE, PR, Kavali (now Retired)	10% cut in pension for a period of five (5) years vide G.O.Rt.No.488, PR&RD (Vig.II) Department, Dt:10.08.2023

10. In the above entire disciplinary case, the charged officer -1 Sri P. Kamal Suresh Babu, Junior Assistant **is the main accused** and remained absent for duty for (613) days unauthorisedly during the period from April 2007 to January, 2011 and also received the salary from the entire period to a tune of Rs.3,18,000/- regularly from the Department. The Charged Officer-1 defended in his earlier written statement of defence, before the inquiry and in his present representation, stating that he faced mental agony and distress personally and also in his family. He applied leave but not persuaded and salary bill was credited in his bank account and drawn the amount. An amount of Rs.3,18,000/- was remitted to the Government for the entire absent period.

11. Government have examined the representation of the charged officer Sri P. Kamal Suresh Babu, Junior Assistant and observe that no evidence was submitted by the Charged Officer-1 to account of his mental agony i.e., Doctors reports or specifically psychiatrist's reports in support of his contention to account for his mental agony and no leave application was made for the absence of 1.7 years but accepted the salary that was being deposited in his account without any moral compunction. Thus, it is a clear case of unauthorized absence and therefore the Charged Officer-1 deserves major punishment of "removal from service" for his unauthorized absence in terms of the orders issued in G.O.Ms.No.260, General Administration (Ser.C) Department, Dt:04.09.2003.

12. Accordingly, Government after examination of the matter, have taken a provisional decision to impose a major punishment of **Removal from Service** as per Rule 9 (ix) of APCS (CC&A) Rules, 1991 against the charged officer **Sri P.Kamal Suresh Babu, Junior Assistant**, O/o the EE, PR, Kavali, SPSR Nellore District and presently working as Junior Assistant, Z.P. High School, Chembedu, SPSR Nellore District, since charge is held proved against him.

13. Accordingly, in the reference 9th read above, Government have addressed to the Secretary, A.P. Public Service Commission for their concurrence on the above provisional decision to impose the above punishment against the charged Officer. In the reference 10th read above, the Secretary, APPSC has furnished concurrence of the Commission to impose the above punishment against the charged officer and advised to take action accordingly.

14. Accordingly, Government after careful examination of the matter, hereby order to impose a major punishment of removal of from service under Rule 9 (ix) of APCS (CC&A) Rules, 1991 against Sri P. Kamal Suresh Babu, Junior Assistant, O/o. the EE, PR, Kavali, SPSR Nellore District and presently working as Junior Assistant, Z.P. High School, Chembedu, SPSR Nellore District in the matter.

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15. The Commissioner, Panchayat Raj & Rural Development, AP, Tadepalli and the Chief Executive Officer, Zilla Praja Parishad, SPSR Nellore are requested to take necessary action accordingly in the matter.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

SHASHI BHUSHAN KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To
The Commissioner, Panchayat Raj & Rural Development, AP, Tadepalli
Sri P. Kamal Suresh Babu, Junior Assistant, O/o. the EE, PR, Kavali, SPSR Nellore District and presently working as Junior Assistant, Z.P. High School, Chembedu, SPSR Nellore District (**through** the Chief Executive Officer, Zilla Praja Parishad, SPSR Nellore District)
The Chief Executive Officer, ZPP, SPSR Nellore District
(with a request to serve the orders on the individual and furnish the acknowledgment copy)

Copy to:

The Secretary, A.P. Public Service Commission, AP, Vijayawada.
The Secretary, A.P. Vigilance Commission, Velagapudi.
The Engineer-in-Chief, Panchayat Raj, A.P., Vijayawada
The Executive Engineer, Panchayat Raj, Kavali, SPSR Nellore District
The PR&RD (Estt. IV) Department
The OSD to Hon'ble Dy.C.M for PR&RD.,
The PS to Prl. Secy. to Govt, PR&RD. Dept.,
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER